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17 **UNITED STATES DISTRICT COURT**

18 **CENTRAL DISTRICT OF CALIFORNIA**

19 SHOSH YONAY, an individual, and
20 YUVAL YONAY, an individual,

21 Plaintiffs,

22 v.

23 PARAMOUNT PICTURES
24 CORPORATION, a Delaware
25 corporation,

26 Defendant.

Case No. 2:22-CV-3846-PA-GJS

**PLAINTIFF SHOSH YONAY'S
RESPONSES AND
OBJECTIONS TO
DEFENDANT'S SECOND SET
OF INTERROGATORIES TO
SHOSH YONAY**

1 PROPOUNDING PARTY: PARAMOUNT PICTURES CORPORATION
2 RESPONDING PARTY: SHOSH YONAY
3 SET NO.: TWO
4

5 Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Shosh
6 Yonay (“Plaintiff”) hereby submits these Objections and Responses (“Responses”)
7 to the Second Set of Interrogatories (“Interrogatories” and, individually,
8 “Interrogatory”), to Plaintiff Shosh Yonay, served by Paramount Pictures
9 Corporation (“Paramount”), as follows:

10 **PRELIMINARY STATEMENT**

11 These responses are made solely for purposes of this action and are subject
12 to all objections as to competence, relevance, materiality, privilege, and
13 admissibility, and any and all objections and grounds that would require exclusion
14 of any statement made herein if such statement were made by a witness present
15 and testifying in court, all of which objections and grounds are reserved and may
16 be interposed at the time of trial. These responses shall not be used in connection
17 with any other proceeding.

18 No incidental or implied admissions are intended by these responses. The
19 fact that Plaintiff responds or objects to any of the Interrogatories should not be
20 construed as an admission that Plaintiff accepts or admits the existence of any
21 facts assumed by such Interrogatory, or that such response or objection constitutes
22 admissible evidence as to any such assumed facts. The fact that Plaintiff responds
23 to part or all of any of the Interrogatories is not intended to be and shall not be
24 construed as a waiver of any part of any objection to any Interrogatory.

25 Plaintiff is still in the process of investigating the facts of this case and
26 searching for responsive information and Documents, which is a particularly
27 burdensome and expensive undertaking given that many of the relevant events
28 took place decades ago. Nor has Plaintiff completed discovery or concluded

1 preparation for summary judgment or, if necessary, trial. As a result, Plaintiff's
2 objections and responses herein are preliminary and based on information and
3 Documents that are presently available and specifically known to Plaintiff after
4 having made a diligent search and reasonable and good faith inquiry, and are made
5 without prejudice to Plaintiff's right to: (1) amend, alter, supplement, clarify or
6 otherwise modify these objections and responses as this matter proceeds; (2) make
7 use of, or introduce at any hearing or trial, any Documents, information, facts,
8 evidence, and legal theories which are subsequently discovered or which are now
9 known but whose relevance, significance, or applicability has not yet been
10 ascertained; and (3) offer expert witness opinions on any relevant matter, which
11 opinions may be at variance with these objections and responses or the
12 information and Documents referenced in response to Paramount's Interrogatories

13 Furthermore, Plaintiff's responses are made without in any way intending
14 to waive, but on the contrary, intending to preserve:

15 1. The right to raise—as part of any subsequent proceeding in, or the
16 trial of, this or any other action—all questions of authenticity, foundation,
17 relevancy, materiality, privilege, and admissibility as evidence for any purpose of
18 any information or Documents produced or identified in support of any of the
19 responses to any portion of Paramount's Interrogatories;

20 2. The right to object on any ground—as part of any subsequent
21 proceeding in, or the trial of, this or any other action—to the use of any
22 information or Documents produced or identified in support of any of the
23 responses to any portion of Paramount's Interrogatories;

24 3. The right to object to introduction into evidence of any of these
25 responses; and

26 4. The right to object on any ground at any time to other discovery
27 involving the subject thereof.

28

GENERAL OBJECTIONS

Plaintiff objects to each particular Interrogatory on the following grounds, which are hereby incorporated within each response set forth below:

1. Plaintiff objects to each and every Interrogatory, definition, and instruction that purports to impose obligations beyond those required or permitted by the Federal Rules of Civil Procedure or the Local Rules. Plaintiff interprets each and every Interrogatory, definition, and instruction to be consistent with the Federal Rules of Civil Procedure and Local Rules.

2. Plaintiff objects to each and every Interrogatory, definition, and instruction to the extent it contains argumentative, inaccurate, incomplete, or misleading descriptions of the facts, persons, relationships, events, and pleadings underlying this action. Any response to any Interrogatory shall not constitute Plaintiff's agreement with or acquiescence to any such description.

3. Plaintiff objects to each and every Interrogatory, definition, and instruction to the extent it seeks information that is neither relevant to any claim or defense in this action, nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff will only disclose information consistent with Plaintiff's responses below.

4. Plaintiff objects to each and every Interrogatory, definition, and instruction to the extent it is vague, ambiguous, unclear, or fails to identify the requested information with reasonable particularity. To the extent that an Interrogatory requires subjective judgment on the part of Plaintiff as to what information is requested, Plaintiff will disclose responsive, non-privileged information according to Plaintiff's understanding of the Interrogatory.

5. Plaintiff objects to each and every Interrogatory, definition, and instruction to the extent it is overbroad, onerous, and unduly burdensome and, thus, outside the scope of permissible discovery. Plaintiff will only disclose information consistent with Plaintiff's responses below.

1 6. Plaintiff objects to each and every Interrogatory to the extent it seeks
2 information that is a matter of public record, already in the possession of
3 Paramount, or otherwise equally available to the public and Paramount. Plaintiff
4 objects to Paramount's Instructions on this same basis. That said, without
5 committing to undertake a search specifically for information in the public record,
6 Plaintiff will not withhold any responsive information of which Plaintiff is aware
7 because it may also be available in the public record. Plaintiff will not undertake
8 a search of the public record for Paramount.

9 7. Plaintiff objects to each and every Interrogatory to the extent that it
10 seeks disclosure of information that is unreasonably cumulative or duplicative of
11 other discovery served in this action, or is obtainable from sources that are more
12 convenient, less burdensome, or less expensive.

13 8. Plaintiff objects to each and every Interrogatory to the extent that it
14 seeks to require Plaintiff to use more than reasonable diligence to locate and
15 identify responsive information. Consistent with Plaintiff's obligations, Plaintiff
16 will conduct a reasonably diligent inquiry for responsive information and
17 Documents.

18 9. Plaintiff objects to the Interrogatories, including, but not limited to,
19 the "Definitions" and "Instructions," including without limitation Instruction No.
20 1, to the extent they purport to impose any obligations upon Plaintiff that exceed
21 those imposed by the Federal and Local Rules. Plaintiff's responses are based on
22 Plaintiff's personal knowledge, the knowledge of Plaintiff's agents, and *reliable*
23 information found in documents in Plaintiff's possession, custody, or control.

24 10. Plaintiff objects to each and every Interrogatory, definition, and
25 instruction to the extent it seeks information that is not within Plaintiff's
26 possession, custody, or control.

27 11. Plaintiff objects to each and every Interrogatory to the extent it seeks
28 information protected by the attorney-client privilege, the attorney-work product

1 doctrine, the common interest or joint defense privileges, rules and agreements
2 governing privacy or confidentiality, or any other applicable privilege or
3 protection recognized under statute or applicable case law. Inadvertent disclosure
4 by Plaintiff of any information protected by any applicable privilege or protection
5 shall not constitute a waiver, in whole or in part, of the privilege or protection.

6 12. Plaintiff objects to each and every Interrogatory to the extent it seeks
7 Plaintiff's sensitive, confidential, or proprietary business information. To the
8 extent such information is responsive, relevant, and not privileged, Plaintiff will
9 disclose such confidential information pursuant to the Protective Order, and any
10 subsequent revisions to that Protective Order upon which the Parties may agree.

11 13. Plaintiff objects to each Interrogatory, definition, and instruction to
12 the extent that it prematurely requests discovery of expert materials and
13 information in advance of their respective deadlines under the Scheduling Order
14 governing this case and/or the Federal Rules of Civil Procedure. Plaintiff will not
15 disclose any expert materials or information before such deadlines.

16 14. Plaintiff objects to each and every Interrogatory to the extent it seeks
17 information the disclosure of which would be prohibited by applicable law, rule,
18 regulation, or contractual obligation. In particular, Plaintiff objects to each and
19 every Interrogatory to the extent it seeks information subject to confidentiality
20 obligations (such as settlement agreements with third-parties) or protective orders,
21 such as the Documents produced by parties other than Plaintiff in prior litigations.
22 Plaintiff cannot, and will not, identify any such information unless and until
23 Plaintiff is relieved of the confidentiality obligations with respect to such
24 information, and nothing contained in any response to any Interrogatory should
25 be considered an agreement to identify such information.

26 15. Nothing contained in any response herein shall be deemed an
27 admission, concession, or waiver by Plaintiff as to the validity of any claim or
28 defense asserted by Paramount.

1 16. All objections as to the relevance, authenticity, or admissibility of
2 these responses and any information referenced therein are expressly reserved by
3 Plaintiff.

4 17. To the extent that Plaintiff responds to any of the Interrogatories,
5 Plaintiff reserves the right to object on any grounds, at any time, to other discovery
6 requests involving or relating to the subject matter of the Interrogatories that
7 Plaintiff has responded to herein.

8 18. Plaintiff reserves all objections to the use of these responses. All such
9 objections may be interposed by Plaintiff at the time of trial or as otherwise
10 required by the rules or order of the Court.

11 19. Plaintiff's responses herein shall not in any way constitute an
12 adoption of Paramount's purported "Definitions" of words or phrases or
13 "Instructions" contained in the Interrogatories. Plaintiff objects to the Definitions,
14 Instructions, and Interrogatories to the extent they: (i) are vague, ambiguous,
15 compound, overbroad, unduly burdensome, and not reasonably tailored to avoid
16 imposing undue burden and expense on Plaintiff; (ii) seek information for an
17 undefined period of time or, if defined, cover and span an unreasonably long or
18 burdensome time period, and therefore are burdensome and oppressive; (iii) are
19 inconsistent with the ordinary and customary meaning of the words or phrases
20 they purport to define; (iv) seek to impose obligations different from, or in excess
21 of, those created by the Federal Rules of Civil Procedure or Local Rules; (v)
22 include assertions of purported fact that are inaccurate or disputed by the parties
23 to this action; and/or (vi) incorporate other purported defined terms that suffer
24 from such defects. In responding to the Interrogatories, Plaintiff has, where
25 possible, employed what Plaintiff regards as the reasonable, common-sense
26 interpretation of the Interrogatory in light of the relevant issues in the case.

27 20. Plaintiff objects to each Interrogatory to the extent that it assumes the
28 existence, relevance, materiality, truth, admissibility, or authenticity of any

1 particular information, or assumes the validity of any claim or defense. In
 2 responding to these Interrogatories, Plaintiff does not make any admissions or
 3 waive any rights or objections, all of which are expressly preserved.

4 21. Plaintiff objects to each Interrogatory to the extent that it requires
 5 Plaintiff to draw a legal conclusion.

6 22. Plaintiff reserves the right to revise, amend, or supplement Plaintiff's
 7 objections, responses, and/or production, and to use in discovery and at trial any
 8 information that is omitted as a result of mistake, inadvertence, or oversight.
 9 Plaintiff notes that discovery is ongoing and that Plaintiff's responses are based
 10 on the information that is presently available and specifically known to Plaintiff.

11 23. Plaintiff objects to Instruction No. 5 to the extent that it purports to
 12 require Plaintiff to log information, as though the Interrogatories are requests for
 13 production. Plaintiff does not agree to provide privileged information or a
 14 privilege log with respect to these Interrogatories.

15 24. The fact that Plaintiff may reassert particular objections in
 16 responding to individual Interrogatories should not be construed as limiting the
 17 generality of the foregoing objections. The General Objections set forth herein are
 18 asserted with respect to each and every Interrogatory.

19 **SPECIFIC OBJECTIONS AND RESPONSES**

20 **INTERROGATORY NO. 5:**

21 Explain the basis for YOUR denial of Paramount Pictures' Request for
 22 Admission No. 3 and state all facts and identify all documents, witnesses, and
 23 other evidence YOU contend support YOUR denial.

24 **RESPONSE TO INTERROGATORY NO. 5:**

25 Plaintiff incorporates Plaintiff's Preliminary Statement and General
 26 Objections as though fully set forth herein. Further, Plaintiff incorporates by
 27 reference Plaintiff's Amended Responses and Objections to Paramount's
 28 Requests for Admission, which speak for themselves. Plaintiff objects to this

1 Interrogatory on the grounds that the terms “ARTICLE” and “FICTIONAL” as
2 used in the referenced Request for Admission, and defined in the Definition
3 section of Paramount’s Requests for Admission, are vague and ambiguous. It is
4 not clear whether literary elements and expression (e.g., metaphors, imagery,
5 personification, hyperbole) are encompassed by the underlying Request. Plaintiff
6 further objects on the basis that the referenced Request calls for a legal conclusion
7 and objects to the extent it is argumentative and assumes and/or mischaracterizes
8 purported facts. Plaintiff objects to the Interrogatory because it is overly broad,
9 compound and unduly burdensome, and purports to impose on Plaintiff
10 obligations beyond those set forth in the Federal Rules of Civil Procedure. Fed.
11 R. Civ. P. 26, 33, *et seq.* Plaintiff further objects on the grounds that the
12 Interrogatory seeks information not in Plaintiff’s possession. Plaintiff objects that
13 the Interrogatory seeks information not likely to lead to admissible, relevant
14 evidence. Plaintiff further objects because this Interrogatory contains no
15 meaningful limitations (e.g., limiting it to Plaintiff’s knowledge) and thus would
16 require Plaintiff to somehow identify each and every person with knowledge. That
17 is not reasonable, feasible, and is certainly not proportional to the needs of the
18 case. Plaintiff further objects to the Interrogatory to the extent that it seeks
19 information that is exempt from discovery and protected from disclosure pursuant
20 to the attorney-client, attorney work product, or other applicable privilege. This
21 Interrogatory calls for speculation because, in part, it is based on a request for
22 admission that is vague, ambiguous, and uncertain. “As a general rule, a party is
23 not required to answer interrogatories calling for speculation.” 10A Fed. Proc. L.
24 Ed. § 26:581; *see also Gregg v. Local 305 IBEW*, 2010 WL 556526, at *4 (N.D.
25 Ind. Feb 9, 2010).

26 Without limiting the foregoing general and specific objections, Plaintiff
27 responds as follows:
28

1 After a reasonable inquiry pursuant to Rule 36 of the Fed. R. Civ. P.,
2 Plaintiff lacked sufficient knowledge and verifiable information to admit or deny
3 Paramount Pictures' Request for Admission No. 3, and on that basis, it was
4 denied.

5 Plaintiff reserves the right to conduct further inquiry with respect to this
6 interrogatory and further reserves the right to supplement this response.

7 **INTERROGATORY NO. 6:**

8 Explain the basis for YOUR denial of Paramount Pictures' Request for
9 Admission No. 5 and state all facts and identify all documents, witnesses, and
10 other evidence YOU contend support YOUR denial.

11 **RESPONSE TO INTERROGATORY NO. 6:**

12 Plaintiff incorporates Plaintiff's Preliminary Statement and General
13 Objections as though fully set forth herein. Further, Plaintiff incorporates by
14 reference Plaintiff's Amended Responses and Objections to Paramount's
15 Requests for Admission, which speak for themselves. Plaintiff objects to the
16 Interrogatory as the Request to which it refers contains no time limitation, and is
17 therefore overbroad, vague and ambiguous and unduly burdensome. Plaintiff
18 further objects to this Interrogatory on the grounds that the term "FACTUAL" as
19 used in the referenced Request for Admission, and defined in the Definition
20 section of Paramount's Requests for Admission, is vague, ambiguous, and
21 argumentative. It is not clear whether literary elements and expression (e.g.,
22 metaphors, imagery, personification, hyperbole) are encompassed by the
23 underlying Request. Plaintiff further objects on the basis that the referenced
24 Request calls for a legal conclusion and objects to the extent it is argumentative
25 and assumes and/or mischaracterizes purported facts. Plaintiff objects to the
26 Interrogatory because it is overly broad, compound and unduly burdensome, and
27 purports to impose on Plaintiff obligations beyond those set forth in the Federal
28 Rules of Civil Procedure. Fed. R. Civ. P. 26, 33, *et seq.* Plaintiff further objects

1 on the grounds that the Interrogatory seeks information not in Plaintiff's
2 possession. Plaintiff objects that the Interrogatory seeks information not likely to
3 lead to admissible, relevant evidence. Plaintiff further objects because this
4 Interrogatory contains no meaningful limitations (e.g., limiting it to Plaintiff's
5 knowledge) and thus would require Plaintiff to somehow identify each and every
6 person with knowledge. That is not reasonable, feasible, and is certainly not
7 proportional to the needs of the case. Plaintiff further objects to the Interrogatory
8 to the extent that it seeks information that is exempt from discovery and protected
9 from disclosure pursuant to the attorney-client, attorney work product, or other
10 applicable privilege. This Interrogatory calls for speculation because, in part, it is
11 based on a request for admission that is vague, ambiguous, and uncertain. "As a
12 general rule, a party is not required to answer interrogatories calling for
13 speculation." 10A Fed. Proc. L. Ed. § 26:581; *see also Gregg v. Local 305 IBEW*,
14 2010 WL 556526, at *4 (N.D. Ind. Feb 9, 2010).

15 Without limiting the foregoing general and specific objections, Plaintiff
16 responds as follows:

17 After a reasonable inquiry pursuant to Rule 36 of the Fed. R. Civ. P.,
18 Plaintiff lacked sufficient knowledge and verifiable information to admit or deny
19 Paramount Pictures' Request for Admission No. 5, and on that basis, it was
20 denied.

21 Plaintiff reserves the right to conduct further inquiry with respect to this
22 Interrogatory and further reserves the right to supplement this response.

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6 Date: September 28, 2023

By: /s/ Marc Toberoff
Marc Toberoff

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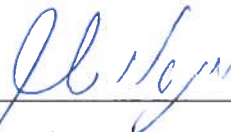
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Attorneys for Plaintiffs

VERIFICATION OF SECOND SET INTERROGATORY RESPONSES

I, Shosh Yonay, Plaintiff in this matter, hereby verify that the foregoing answers are true and correct to the best of my present knowledge and belief.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 28, 2023 in Los Angeles, California



Shosh Yonay

PROOF OF SERVICE

I, Spencer Gibbs, declare:

I am over the age of eighteen years and not a party to the within action. I am a resident of or employed in the county where the service described below occurred. My business address is 23823 Malibu Road, Suite 50-363, Malibu, CA 90265. On September 28, 2023, I caused the following document:

**PLAINTIFF SHOSH YONAY'S RESPONSES AND OBJECTIONS
TO DEFENDANT'S SECOND SET OF INTERROGATORIES TO
SHOSH YONAY**

to be served as follows:

☐ **BY ELECTRONIC MAIL** - I caused the above-described document to be served by electronic mail transmission on the interested parties noted below, where an electronic mail address is indicated.

☒ **BY MAIL** – I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence collected from me would be processed on the same day, with postage thereon fully prepaid and placed for deposit that day with the United States Postal Service. On September 28, 2023, I put a true and correct copy of the above-referenced document in a sealed envelope, with postage fully prepaid, and placed the envelope for collection and mailing today with the United States Postal Service in accordance with the firm's ordinary business practices, addressed as follows:

1 Daniel M. Petrocelli
2 Molly M. Lens
3 O'MELVENY & MYERS LLP
4 1999 Avenue of the Stars, 8th Floor
5 Los Angeles, California 90067

6 I declare under penalty of perjury under the laws of the United States that
7 the above is true and correct. Executed on September 28, 2023, at Malibu,
8 California.

9
10 Date: September 28, 2023

By: /s/ *Spencer Gibbs*
Spencer Gibbs